

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
YONG BIAO JI, on behalf of himself and
others similarly situated,

Plaintiff,

v.

NEW AILY FOOT RELAX STATION INC,
and EILEEN FOOT RELAX STATION INC,
Defendants.
-----X**ORDER**

22 CV 8196 (VB)

Today, the Court conducted an in-person, on-the-record, status conference in this case. Plaintiff's counsel attended the conference, but defendants failed to appear, either themselves or through counsel. Indeed, defendants have not appeared, themselves or through counsel, at any of the three conferences conducted in this case to date. (See Docs. ##33, 38).

As discussed at the conference today, IT IS HEREBY ORDERED:

1. Letter from Ning Ye, Esq., dated November 14, 2023 (Doc. #52)

Yesterday, November 14, 2023, defense counsel Ning Ye, Esq., filed a letter informing the Court he would not attend today's conference. (Doc. #52).

The letter further states: "Defendants fired me from the prior case," referring to Ji v. Aily Foot Relax Station, Inc., No. 19-cv-11881 (VB) (S.D.N.Y. filed Dec. 29, 2019) (the "Related Case"), a prior related case over which the undersigned presided, and that "[f]or this instant case, I did not receive any forgiveness from the Defendants. Therefore, I did not submit any formal Line of Entry of my Appearance with this Court. It may be a clerical mistake to list me as the Counsel for the Defendants in this newly initiated case." (Doc. #52 at 1).

Although Mr. Ye's letter is difficult to understand, the Court fairly construes the letter as informing the Court that, after he was granted permission to withdraw from representing the defendants in the Related Case (Related Case, Doc. #181), he never made amends with his clients and was never retained to represent them in this action.

Putting aside the impropriety of an attorney filing a motion to dismiss (Doc. #11) and an answer asserting counterclaims (Doc. #25) on behalf of parties he does not represent, Mr. Ye's letter appears to be requesting permission to withdraw from representing defendants in this case, for the reason that he was never actually retained.

That application is GRANTED. Mr. Ye may withdraw from representing defendants. The Clerk is instructed to terminate his appearance.

Mr. Ye's letter also repeats the frivolous argument Mr. Ye has asserted multiple times in this case, as well as in the Related Case, that plaintiff's counsel, Troy Law PLLC, falsely stated in an unrelated Connecticut bankruptcy court action that Troy Law PLLC represents Mr. Ye in

that action, and that this alleged false representation somehow creates a conflict of interest impacting Mr. Ye's representation of defendants in this case (or in the Related Case). The Court rejects these arguments, for the same reasons the Court previously rejected these arguments in this case (see Docs. ##24, 45) and in the Related Case (see Related Case, Docs. ##177, 181, 188).

2. Plaintiff's Motion for a Certificate of Default

At the conference today, plaintiff's counsel renewed plaintiff's motion for an entry of default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure as to both defendants. (See Docs. #39, 40). For the reasons stated on-the-record at the conference today, as well as in the Declaration of Aaron B. Schweitzer in support of plaintiff's request for a certificate of default (Doc. #40), the motion is GRANTED.

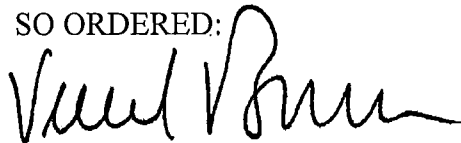
The Clerk is respectfully requested to enter the Clerk's Certificate of Default as submitted by plaintiff. (Doc. #39).

By January 16, 2024, plaintiff shall move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendants.

By November 29, 2023, plaintiff's counsel shall serve a copy of this Order on each defendant and file proof of service on the ECF docket.

Dated: November 15, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge